

LAHIVE  
&  
COCKFIELD  
L L P

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahcoc.com



JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
JEANNE M. DIGIORGIO  
DEBRA J. MILASINCIC, Ph.D.  
NICHOLAS P. TRIANO, III  
WILLIAM D. DeVAUL

CHI SUK KIM  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER  
ADAM M. GOODMANN\*

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
PETER C. LAURO \*  
DeANN FORAN SMITH\*\*

\* Admitted in NY only  
\*\* Admitted in MI only  
\*\*\* Passed the Patent Bar Examination

PATENT AGENTS  
MEGAN E. WILLIAMS, Ph.D.  
PETER S. STECHER

TECHNICAL SPECIALISTS  
MARIA LACOTRIPE ZACHARAKIS, Ph.D.\*\*\*

CYNTHIA M. SOROS  
PETER W. DINI, Ph.D.  
EUIHOON LEE  
ERICK B. BERGLUND, Ph.D.  
LISA M. DIROCCO  
JENNIFER K. ROSENFIELD  
JUDITH STONE-HUSSLANDER, Ph.D.  
ALLAN TAMESHTIT, Ph.D.  
CATHERINE E. MCPHERSON  
RICHIA NAND  
GARY W. PLOURDE

RECEIVED

NOV 17 2000

TECH CENTER 1600/2900

RECEIVED

NOV 21 2000

TECH CENTER 1600/2900

BOX SEQUENCE  
Assistant Commissioner for Patents  
Washington, DC 20231

November 10, 2000

Re: U.S. Patent Application Serial No. 08/737,904  
Title: *T CELL EPITOPE OF RYGRASS POLLEN ALLERGEN*  
Filed: November 20, 1996  
Applicants: Irwin J. Griffith, et al.  
Examiner: R. Schwadron; Group Art Unit: 1644  
Our Ref.: IMI-040CP3 (075.1 U.S.)

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Preliminary Amendment;
2. Response to "Notice to Comply With Requirements for Patent Application Containing Nucleotide and/or Amino Acid Sequence Disclosures;"
3. Copy of "Notice to Comply With Requirements for Patent Application Containing Nucleotide and/or Amino Acid Sequence Disclosures;"
4. Substitute pages 47-65 containing the Sequence Listing;
5. Diskette containing the Sequence Listing;
6. Transmittal letter for Diskette of Sequence listing; and
7. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX SEQUENCE, Assistant Commissioner for Patents, Washington, DC 20231 on:

10 November 00

Date

Jeanne M. DiGiorgio

Reg. No. 41,710

Jeanne M. DiGiorgio,

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Jeanne M. DiGiorgio  
Reg. No. 41,710

JMD/jjs  
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Irwin J. Griffith, et al.

Serial No.: 08/737,904

Filed: November 20, 1996

For: T CELL EPITOPE OF RYEGRASS  
POLLEN ALLERGEN

Attorney Docket No.: IMI-040CP3 (075.1 US)



Group Art Unit: 1644

Examiner: R. Schwadron

RECEIVED

NOV 21 2000

TECH CENTER 1600/2900

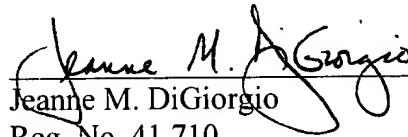
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

10 November 00  
Date of Signature and of Mail Deposit

By:

  
Jeanne M. DiGiorgio  
Reg. No. 41,710  
Attorney for Applicant

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

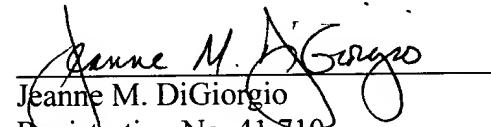
Dear Sir:

Responsive to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures" and the Examiner's Communication, dated October 10, 2000 (a copy of both of which is attached herewith), Applicants have amended the Sequence Listing submitted on March 31, 2000 to insert a missing sequence and to correct the identification of hydroxyproline.

A paper copy of the Sequence Listing and a computer readable form of the sequence listing (diskette), which is identical in substance to the paper copy of the Sequence Listing, in accordance with 37 C.F.R. § 1.821(c) and (e), are also submitted herewith.

No new matter has been added to the application. Accordingly it is respectfully requested that the above amendments be entered.

Respectfully submitted,

  
\_\_\_\_\_  
Jeanne M. DiGiorgio  
Registration No. 41,710  
Attorney for Applicants

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109

Dated: November 10, 2000



RECEIVED  
UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

NOV 17 2000

TECH CENTER 1600/2000

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/737, 904 11/20/96 GRIFFITH

I IMI040CP3

HM22/1010

EXAMINER

LAHIVE & COCKFIELD  
26 STATE STREET  
BOSTON, MA 02109

SCHWADRON, R

ART UNIT	PAPER NUMBER
----------	--------------

30

1644

DATE MAILED:

10/10/00

DOCKETED

Nov 10, 2000 - Sequence listing  
Apr. 10, 2001 - E.S.P.



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

COPY

GAD  
AEM

JMD

ENTERED

RECEIVED  
LAHIVE & COCKFIELD  
DOCKET DEPT.

OCT 13 2000

G.G.S.

RETRIEVED:

FORWARDED:

32-3167  
42-  
FBC



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.



EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The instant application contains amino acid sequences in the Figures for which no sequence listing has been submitted (for example LIX 1.1 in Figure 2). Applicant should check all the sequences disclosed in said Figures for similar errors. The Brief description of the drawings should also be amended to correspond to the SEQ IDS submitted in the new listing. In addition, SEQ ID no. 31 lists an Xaa at position 5. 37 CFR 1.823(b) indicates that sections <220> and <221> are mandatory for any sequence containing an Xaa. It appears based on Figure 2 that said Xaa should represent hydroxyproline. Applicant should check all the sequences disclosed in the Sequence listing for similar errors.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication should be directed to Examiner Ron Schwadron, Ph.D., Art Unit 1644, whose telephone number is (703) 308-4680. Any inquiry of a general nature or relating to the status of this application should be directed

to the Technology Center receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON  
PRIMARY EXAMINER  
GROUP 1800 16<sup>07</sup>

Ron Schwadron

Ron Schwadron, Ph.D.  
October 5, 2000

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: See enclosed NOTE

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

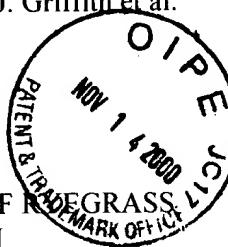
In re the application of: Irwin J. Griffith et al.

Serial No.: 08/737,904

Filed: November 20, 1996

For: T CELL EPITOPES OF RUEGRASS  
POLLEN ALLERGEN

Attorney Docket No.: IMI-040CP3 (075.1US)



RECEIVED

Group Art Unit: 1644

Examiner: R. Schwadron

NOV 21 2000

TECH CENTER 1600/2900

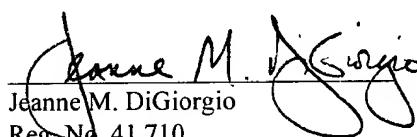
BOX SEQUENCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX SEQUENCE Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

10 November 00  
Date of Signature and of Mail Deposit

By:

  
Jeanne M. DiGiorgio  
Reg. No. 41,710  
Attorney for Applicant

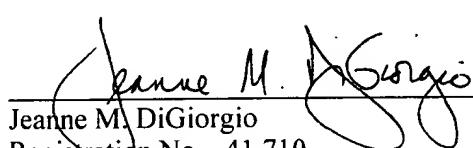
**TRANSMITTAL LETTER FOR DISKETTE OF SEQUENCE LISTING**

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, and the Examiner's Communication dated October 19, 2000, we enclose a diskette which contains a computer readable form of the Sequence Listing for the above-identified application.

Substitute pages 47 - 65 are submitted herewith. The material on the enclosed diskette is identical in substance to the enclosed sequence listing. The computer readable form of the Sequence Listing contained on the enclosed diskette is understood to comply with the requirements of §§ 1.821-1.825. No new matter has been added.

Respectfully submitted,

  
Jeanne M. DiGiorgio  
Registration No. 41,710  
Attorney for Applicants

Dated: November 10, 2000